

REMARKS

Consideration of this application in view of the above amendments and following remarks is respectfully requested. This Amendment serves as the submission accompanying Applicant's Request for Continued Examination (RCE) filed pursuant to 37 C.F.R. §1.114.

Claim Amendments and Support

Claims 1, 3-6, 14-20, 22-24, 27, 29 and 77-82 are pending. Claims 1, 15, 23, 24, 27, 29, 77, 78, 81 and 82 have been amended. The amendments and their support are summarized as follows:

Claims 1, 15, 23, 24, 27 and 29 have been amended to remove the phrase "sulfonyl."

Claim 23 has been amended to remove the phrase "aryl" as a variable for R^2 .

Claim 29 has been amended to exclude two specific species/compounds, namely, 1*H*-pyrazole-3,5-diamine, 4-(2-benzothiazolyl)- N^3 -(4-methylphenyl); or 1*H*-pyrazole-3,5-diamine, 4-(2-benzothiazolyl)- N^3 -phenyl. Support for these amendments can be found in the last three lines of paragraph [0069] on page 10 of U.S. Published Application No. 2006/0247210, in which the above-named compounds are expressly excluded.

Claim 77 has been amended to delete a species/compound, namely, 4-Benzothiazol-2-yl-1*H*-pyrazole-3,5-diamine.

Claim 78 has been amended to delete two compounds that are not encompassed by claim 23, on which claim 78 depends. These two compounds have been incorporated into claim 82, as presently amended.

Claim 81 has been amended to include an additional compound, namely, 4-benzothiazol-2-yl- N^3 -[2-(1*H*-imidazol-4-yl)-ethyl]-1*H*-pyrazole-3,5-diamine. This compound is described in the original specification in paragraph [0257] on page 28; and its previous omission was inadvertent.

Claim 82 has been amended to include the two compounds that are being removed from claim 78.

No new matter is being introduced. The above amendments are not to be construed as acquiescence to the rejections and are made without prejudice to prosecution of any subject matter removed or modified by these amendments in a related divisional, continuation or continuation-in-part application.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 78 and 82 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

In particular, the Examiner asserts that Applicants' previous amendments to claims 78 and 82 were not supported by the original application.

By the amendments filed February 25, 2009, claim 78 was amended to include an additional compound, namely, 2-{{2-(5-amino-3-methyl-1*H*-pyrazol-4-yl)-benzothiazol-6-ylmethyl}-amino}-ethanol. This compound is described in the original specification in paragraph [0382] on page 38; and its previous omission was inadvertent.

Further, by the amendments filed February 25, 2009, claim 82 was amended to include the following nine compounds. These compounds are described in the original specification as noted below in the parenthesis following each compound:

2-(1*H*-Pyrazol-4-yl)-benzothiazole-6-sulfonic acid amide (**Example 37, page 38**);

2-(3-Methyl-1*H*-pyrazol-4-yl)-benzothiazole (**paragraph [0362], Example 25, page 36**);

2-(5-Amino-1*H*-pyrazol-4-yl)-benzothiazol-6-ylamine (**Table 1, page 40, the 19th compound from the top**);

4-(5-Fluoro-6-methyl-benzothiazol-2-yl)-2*H*-pyrazol-3-ylamine (**Table 1- continued, page 42, the 5th compound from the top**);

4-(5-Trifluoromethyl-benzothiazol-2-yl)-1*H*-pyrazol-3-ylamine (**Table 1- continued, page 42, the 9th compound from the top**);

4-(6-Fluoro-benzothiazol-2-yl)-1*H*-pyrazol-3-ylamine (**Table 1- continued, page 42, the 15th compound from the top**);

4-(6-Nitro-benzothiazol-2-yl)-2*H*-pyrazol-3-ylamine (**Table 1- continued, page 42, the 20th compound from the top**);

2-(3-Phenyl-1*H*-pyrazol-4-yl)benzothiazole (the title compound, **Example 25, page 36**); and

4-Benzothiazol-2-yl-2-methyl-2*H*-pyrazol-3-ylamine (**Example 28, page 36**).

In view of the above showing, Applicants respectfully submit that the amendments made to claims 78 and 82 by the response filed February 25, 2009, are fully supported and therefore request that this ground of rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 1, 3-6, 14-20, 22-24, 27, 29, and 78-81 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In particular, the Examiner asserts that the phrase “sulfonyl” is divalent, where a monovalent substituent is required to define R¹, R² and R³.

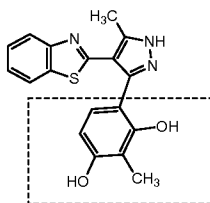
Without acquiescing to the Examiner’s position and in the interest of facilitating allowance, Applicants have deleted the phrase “sulfonyl” in the relevant claims.

Further, the Examiner asserts that the certain species in claim 78 are not embraced by claim 23. Applicants have made appropriate corrections; namely, by deleting the first and the fifth species in claim 78.

In view of the above amendments, Applicants respectfully request that this ground of the rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 102

The Examiner continues to reject claim 23 under 35 U.S.C. § 102(a) as being anticipated by CA Registry No. 385424-29-3 (shown below).



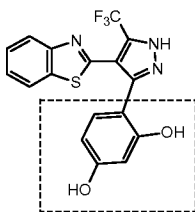
Applicants have previously asserted that the CA Registry No. 385424-29-3 is not encompassed by claim 23 because the 2,4-dihydroxyl-3-methylphenyl moiety does not fall within any of the recited variables for R³ in Formula (1).

The Examiner does not accept this argument, stating instead that, the 2,4-dihydroxyl-3-methylphenyl moiety of CA Registry No. 385424-29-3 is found on the 3-position of the pyrazole ring, which corresponds to R² of Formula (1), not R³. The Examiner further considers that because R² can be “aryl,” claim 23 embraces CA Registry No. 385424-29-3.

Without acquiescing to the Examiner’s position and in the interest of facilitating allowance, Applicants have deleted “aryl” as a variable of R². Accordingly, Applicants submit that amended claim 23 no longer encompasses CA Registry No. 385424-29-3 and request that this ground of rejection be withdrawn.

Claims 1, 4, 5, 14-16, 23, and 77 have been rejected under 35 U.S.C. § 102(b) as being anticipated by: (a) the compound of CA Registry No. 302575-58-2; (b) Gour et al. (WO 2001/053331); (c) Gorbulenکو et al. (CA Registry No. 136507-02-3); and (d) Nawwar et al. (CA 120:164052, 1994). These rejections are individually addressed as follows.

(a) The structure of CA Registry No. 302575-58-2 is shown below.



Applicants submit that, with the deletion of “aryl” from the recited variables of R², amended claim 23 is not anticipated by CA Registry No. 302575-58-2.

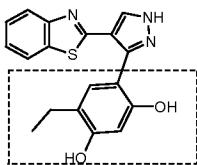
Further, claim 1 is not anticipated by CA Registry No. 302575-58-2 because claim 1 requires R² of the pyrazole ring be a nitrogen-containing moiety, namely, amino, hydrocarbylamino, dihydrocarbylamino, or N-heterocycle. CA Registry No. 302575-58-2 does

not satisfy this requirement because, regardless of which substituent corresponds to R², neither 2,4-dihydroxyphenyl nor trifluoromethyl is a nitrogen-containing moiety. Accordingly, claim 1 (as amended) and its dependent claims are novel over CA Registry No. 302575-58-2.

None of the specific compounds recited in claim 77 is CA Registry No. 302575-58-2. Thus, CA Registry No. 302575-58-2 cannot anticipate claim 77.

From the foregoing, Applicants submit that claims 1, 4, 5, 14-16, 23, and 77 are novel over CA Registry No. 302575-58-2 and thus request that this ground of rejection be withdrawn.

(b) The relevant compound of Gour has the following structure:



(the Gour compound, *i.e.*, Compound 266 in Figure 15BD).

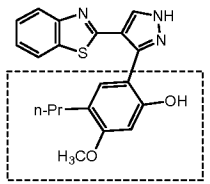
For the same reasons as set forth in Item (a), the Gour compound is not encompassed by amended claim 1 or its dependent claims, because the Gour compound does not have any nitrogen-containing moiety on the pyrazole ring.

Further, the Gour compound is not encompassed by amended claim 23 in view of the deletion of “aryl.”

None of the specific compounds recited in claim 77 is the Gour compound. Thus, the Gour compound cannot anticipate claim 77.

From the foregoing, Applicants submit that claims 1, 4, 5, 14-16, 23, and 77 are novel over the Gour compound and thus request that this ground of rejection be withdrawn.

(c) CA Registry No. 136507-02-3 has the following structure:



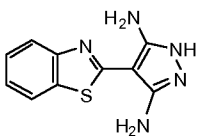
For the same reasons as set forth in Item (a), CA Registry No. 136507-02-3 is not encompassed by amended claim 1 or its dependent claims, because CA Registry No. 136507-02-3 does not have any nitrogen-containing moiety on the pyrazole ring.

Further, CA Registry No. 136507-02-3 is not encompassed by amended claim 23 in view of the deletion of “aryl.”

None of the specific compounds recited in claim 77 is CA Registry No. 136507-02-3. Thus, CA Registry No. 136507-02-3 cannot anticipate claim 77.

From the foregoing, Applicants submit that claims 1, 4, 5, 14-16, 23, and 77 are novel over CA Registry No. 136507-02-3 and thus request that this ground of rejection be withdrawn.

(d) CA Registry No. 153259-09-7 has the following structure:



Claim 1 is not anticipated by CA Registry No. 153259-09-7 because claim 1 excludes any compounds in which R^2 and R^3 are both amino groups.

Further, CA Registry No. 153259-09-7 is not encompassed by amended claim 23 because amended claim 23 also excludes any compounds in which R^2 and R^3 are both amino groups (for example, R^3 is heterocycle, halogen-substituted hydrocarbyl or hydrocarbyl).

CA Registry No. 153259-09-7 has been deleted from claim 77. Accordingly, claim 77 is novel over CA Registry No. 153259-09-7.

From the foregoing, Applicants submit that claims 1, 4, 5, 14-16, 23, and 77 are novel over CA Registry No. 153259-09-7 and thus request that this ground of rejection be withdrawn.

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Reply to Office Action dated June 4, 2009,

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all of the claims remaining in the application are now believed to be in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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